

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
TRUSTEES OF THE NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS PENSION FUND, :
WELFARE FUND, ANNUITY FUND, and :
APPRENTICESHIP, JOURNEYMAN RETRAINING, :
EDUCATIONAL AND INDUSTRY FUND, TRUSTEES :
OF THE NEW YORK CITY CARPENTERS RELIEF :
AND CHARITY FUND, and THE CARPENTER :
CONTRACTOR ALLIANCE OF METROPOLITAN :
NEW YORK, :

Petitioners,

-v-

ROBO DOORS & HARDWARE CORP., n/k/a ROBO
HARDWARE CORP.,

Respondent.

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24 Civ. 37 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On January 3, 2024, Petitioners filed a petition to confirm an arbitration award. Dkt. 1. Petitioners served the petition on Respondent, *see* Dkts. 7-8, but Respondent has failed to appear. On March 13, 2024, Petitioners filed a proposed Certificate of Default, Dkt. 9, and on the same day the Clerk of Court issued a Certificate of Default as to Respondent. Dkt. 10.

An unopposed petition to confirm an arbitration award is not, however, appropriately handled through default judgment proceedings. Instead, the Court must treat such a petition as an unopposed motion for summary judgment. *See D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109-110 (2d Cir. 2006). Accordingly, the Court hereby sets the following briefing schedule. By on or before April 29, 2024, Respondent may file an opposition to the petition, and Petitioners' may file a reply, if any, by on or before May 6, 2024. In the absence of any opposition from Respondent, the Court will treat the petition as an unopposed motion for summary judgment.

Finally, Petitioners are directed to serve a copy of this Order on Respondent and file proof of such service by April 19, 2024.

SO ORDERED.

Dated: April 15, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN
United States District Judge